

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TODD ASHKER,

Plaintiff,

v.

MATHEW CATE, et al.,

Defendants.

No. 09-02948 CW

ORDER GRANTING
PLAINTIFF'S
REQUESTS FOR
EXTENSION OF TIME
TO FILE AMENDED
COMPLAINT AND TO
SERVE ORDER ON
PRISON LITIGATION
OFFICE AND
DENYING REQUEST
FOR MARSHAL TO
SERVE COMPLAINT
(Docket ## 6, 7)

On February 16, 2010, the Court issued an Order Reviewing Complaint Under 28 U.S.C. § 1915A, Ordering Service of Cognizable Claims and Dismissing Noncognizable Claims with leave to amend. The Court granted Plaintiff thirty days from the date of the Order to file his amended complaint. Plaintiff requests an extension of time to file his amended complaint. For good cause appearing, the Court grants Plaintiff's request for an extension of time; Plaintiff must file his amended complaint by April 30, 2010.

Plaintiff also requests that the Court send the February 16, 2010 Order to the Pelican Bay State Prison (PBSP) litigation office

1 so that Defendants have prior notice of this lawsuit and the
2 Court's suggestion that they waive service of the summons. The
3 Court grants this request. The Court orders the Clerk of the Court
4 to send the February 16, 2010 Order and this Order to the PBSP
5 litigation office and reiterates the statement in the February 16,
6 2010 Order that Rule 4(d) of the Federal Rules of Civil Procedure
7 requires Defendants to cooperate in saving unnecessary costs of
8 service of the summons and complaint by waiving service of the
9 summons, if requested to do so by Plaintiff.

10 Because Defendants may waive service of the summons,
11 Plaintiff's request to have the United States Marshal serve
12 Defendants is denied without prejudice as premature. Plaintiff may
13 resubmit this request if Defendants continue to refuse to waive
14 service of summons.

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16 IT IS SO ORDERED.

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18 Dated: April 8, 2010



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CLAUDIA WILKEN
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

TODD ASHKER,

Plaintiff,

v.

MATHEW CATE et al,

Defendant.

Case Number: CV09-02948 CW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 8, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Todd Ashker C58191
D1-119
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA 95532

Dated: April 8, 2010

Richard W. Wieking, Clerk
By: Ronnie Hersler, Administrative Law Clerk